IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 1444 OF 2006

Shri Baburao Laxman Kad and Anr. .. Petitioners.

V/s.

Shri Dnyanoba Laxman Kad & Ors. .. Respondents.

Mr. V.B.Tapkir for the Petitioners.

Mr.Girish S.Godbole & R.D.Barve for the Respondents 1 & 2.

CORAM : R.M. SAVANT, J.

DATED : 04th JUNE, 2007.

P.C.:

. This petition, filed under Article 227 of the Constitution of India, takes exception to the judgment and order dated 27.10.2004 passed by the learned Civil Judge, Jr.Division on the Exh.5 application in R.C.S. No. 113/2004. By the said order, the application for temporary injunction filed by the petitioners, who are the original plaintiffs, against the defendants came to be rejected. The petitioners thereafter filed Misc. Civil Appeal No. 363 of 2004 in the court of the District Judge, which also came to be dismissed by the learned Adhoc Addl. District Judge by his order dated 15.11.2005.

2. Both the courts below have arrived at a finding of fact that the petitioners are not in possession of the suit land. I do not find any infirmity or illegality in the said orders of the courts below. In that view of the matter, no interference is called for with the orders of the courts below under Article 227 of the Constitution of India. Hence, the petition is dismissed.

(R.M.SAVANT,J.)

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